IN THE CLAIMS

Please amend claims 44 and 47, as indicated in the list of pending claims below.

PENDING CLAIMS

1-34. (Canceled)

35. (Previously Presented): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:

an inner cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the sidewall proximal to the distal end and a main lumen extending within at least a portion of the inner cannula to the cut out in the sidewall;

an outer cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the tubular sidewall of the outer cannula proximal to the distal end and a main lumen extending within at least a portion of the outer cannula;

a tissue penetrating distal tip;

an electrically conducting cutting wire slidably and rotatably disposed in the inner lumen of the inner cannula, having a proximal end and a distal end and having a cutting loop at a said distal end which is configured to rotate from a position within the inner cannula out of the inner cannula through the cut out in the side wall thereof in a plane traversing the longitudinal axes of the inner and outer cannulas to a position exterior to the outer cannula, to move longitudinally in a direction generally parallel to the longitudinal axes exterior to the outer cannula and to rotate from a position exterior

to the outer cannula into the inner cannula through the cut outs in the side wall of the inner and outer cannulas in a plane traversing the longitudinal axes.

36. (Previously Presented): The tissue acquisition device of claim 35, wherein said electrically conducting cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.

37. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop is a RF energy cutting loop.

38. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop comprises a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

39. (Previously Presented): The tissue acquisition device of claim 35, further comprising an electrically conducting distal cutting wire disposed near the distal end of said device.

40. (Previously Presented): The tissue acquisition device of claim 39, wherein said electrically conducting distal cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.

41. (Previously Presented): The tissue acquisition device of claim 40, wherein said electrically conducting distal cutting wire comprises a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

42. (Previously Presented): The tissue acquisition device of claim 35, further comprising an end plug disposed on the distal end of said device.

43. (Previously Presented): The tissue acquisition device of claim 42, further comprising an electrically conducting distal cutting wire disposed distal to said end plug.

44. (Currently Amended): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:

an elongated probe member having a proximal end, a distal end, a tissue penetrating distal tip at the distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the sidewall proximal to the distal end and an inner lumen extending within at least a portion of the elongated probe member to and in fluid communication with the cut out in the sidewall;

an electrically conducting cutting wire which is slidably and rotatably disposed in said passageway, which has a distal end and a cutting loop at the distal end which is configured to rotate from a position within the probe member out of the cut out in the tubular sidewall to a position exterior to the elongated probe member, to move longitudinally in a direction generally parallel to the longitudinal axis exterior to the elongated probe member and to rotate from a position exterior to the elongated probe member into the elongated probe member through the cut out in the tubular side wall in a plane traversing the longitudinal axis <u>while subjected to high frequency electrical power to sever a tissue sample from surrounding tissue</u>.

45. (Previously Presented): The tissue acquisition device of claim 44, wherein said electrically conducting cutting wire is configured to be electrically connected to a source of radio-frequency electrical energy.

46. (Previously Presented): The tissue acquisition device of claim 44, wherein the cutting loop is formed at least in part of a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

47. (Currently Amended) The tissue acquisition device of claim 44, wherein ~~the tissue penetrating distal tip has~~ an electrically conducting distal cutting wire extends over the tissue penetrating distal tip to facilitate ~~which facilitates~~ passage through tissue when the distal cutting wire is subjected to electrical power.

48. (Previously Presented) The tissue acquisition device of claim 35 including a vacuum source in fluid communication with the main lumen of the inner cannula to draw a tissue specimen into the inner cannula through the cut outs of the inner and outer cannulas.

49 (Previously Presented) The tissue acquisition device of claim 44 including a vacuum source in fluid communication with the inner lumen of the probe member to draw a tissue specimen into the inner lumen through the cut out of the probe member.